

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION

MICHAEL J. GARVEY,

Plaintiff,

v.

SETERUS, INC., SUBSITUTE TRUSTEE  
SERVICES, INC., HUTCHENS LAW FIRM,  
LACEY M. MOORE, CHRISTOPHER T.  
SALYER, SHIANN SCHMIDT, SHAPIRO &  
INGLE, LLP, MICHAEL JAY EMREY, AND  
KYLE STEWART,

Defendants.

Case Number: 5:16CV209-RLV

**DEFENDANTS SUBSTITUTE TRUSTEE SERVICES, INC., HUTCHENS LAW FIRM, LACEY M. MOORE,  
CHRISTOPHER T. SALYER AND SHIANN SCHMIDT'S MOTION TO DISMISS**

NOW COMES, Defendants Substitute Trustee Services, Inc., Hutchens Law Firm, Lacey M. Moore, Christopher T. Salyer, and Shiann Schmidt ("Moving Defendants") by and through the undersigned counsel pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure moves the Court to dismiss Plaintiff's Complaint (hereinafter referred to as the "Complaint"), including all claims for relief contained therein, against these Defendants on the grounds that the Complaint fails to state a claim upon which relief can be granted. In addition, Defendants Lacey M. Moore, Christopher T. Salyer, and Shiann Schmidt, also move to dismiss the Complaint against them pursuant to Rules 12(b)(2), 12(b)(4) and 12(b)(5) of the Federal Rules of Civil Procedure on the grounds that this Court lacks personal jurisdiction, process was insufficient and service of process was insufficient.

1. That the Court dismiss Plaintiff's Complaint and the claims filed therein with prejudice against the Moving Defendants; and
2. For such other further relief as the Court may deem just and proper.

Respectfully submitted this the 20<sup>th</sup> day of January, 2017.

Hutchens Law Firm LLP  
*Attorneys for Defendants, Substitute  
Trustee Services, Inc., Hutchens Law Firm,  
Lacey M. Moore, Christopher T. Salyer, and  
Shiann Schmidt*

/s/Lacey M. Moore  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 20<sup>th</sup> day of January, 2017, I served a copy of Defendants Substitute Trustee Services, Inc., Hutchens Law Firm, Lacey M. Moore, Christopher T. Salyer, and Shiann Schmidt's Motion to Dismiss by either electronic notice in accordance with local rules or by depositing the same, enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service, said envelope being addressed as follows:

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